

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 2, 3, and 6 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 2-7 are pending and under consideration. In the Office Action, at page 2, item 2, the Examiner withdrew claims 8 and 9. Reconsideration is requested.

In the Office Action, at page 5, item 8, the Examiner indicated that claim 3 would be allowable if rewritten in independent form. Applicant respectfully submits that claim 3 has been rewritten in independent form and is now allowable.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicant requests entry of this Rule 116 Response because:

(a) the amendments of claims 2 and 6 were not earlier presented because Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(b) it is believed that the amendment of claim 3 puts this claim into condition for allowance as suggested by the Examiner; and

(c) the amendments of claims 2 and 6 do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §112:

In the Office Action, at page 2, item 4, the Examiner rejected claims 6 and 7 under 35 U.S.C. §112, second paragraph, for the reasons set forth therein. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

Applicant respectfully submits that the amendment of claim 6 overcomes the Examiner's rejection.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 3, item 6, the Examiner rejected claims 2, 4, 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over Nachtigal et al. (U.S. Patent No. 6,559,633 – hereinafter Nachtigal) in view of French et al. (U.S. Patent No. 6,161,962 – hereinafter French). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

In the Office Action, at page 4, item 7, the Examiner rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Nachtigal in view of French et al. as applied to claim 2 above, and further in view of Gomez et al. (U.S. Patent No. 5,833,371 – hereinafter Gomez). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

Amended, independent claim 2 recites: "...wherein the sealing member includes a plate-like core metal fitted to the stationary bearing ring, and an elastic member made of one of rubber and resin and integrated together with the core metal, the temperature sensor is secured to a plate surface of the core metal in contact therewith, to determine a temperature of the core metal, and the temperature sensor is not secured to the core metal by the elastic member."

Amended, independent claim 6 recites: "a sealing member secured to the stationary bearing ring and comprising a core metal and an elastic member made of one of rubber and resin and integrated together with the core metal, the temperature sensor contacting and being affixed to a plate surface of the core metal, and determining a temperature of the core metal, wherein the temperature sensor is not affixed to the core metal by the elastic member."

In the Office Action, at page 3, item 6, the Examiner stated that Nachtigal discloses: "...wherein the sensor is fixed to the sealing member by means of an integral molding of the elastic member with the metal core."

In the subject application, in all disclosed embodiments, the temperature sensor is not secured to the core metal by the elastic member. (See FIGS. 1-3, 6, and 7, and page 8, lines 4-9). In fact, in only one embodiment does the temperature sensor even contact the elastic member. (See FIGS. 1 and 2). Not using the elastic member to secure the temperature sensor to the core metal simplifies a manufacturing process of the bearing assembly. Additionally, in the subject application, since the temperature sensor directly contacts the plate surface of the core metal, the temperature of the core metal, and hence the temperature inside the bearing assembly can be quickly and accurately determined.

Nachtigal does not disclose or suggest that the rotation sensing device 30 is not secured to the second support member 20 by the seal body 52. French fails to cure this defect. Indeed, in the Office Action, at page 5, item 9, the Examiner states that French "...is merely used for the teaching of the known temperature sensor used in detecting temperature of a bearing." Thus, applicant respectfully submits that Nachtigal and French, either alone or in combination, fail to disclose or suggest that "...the temperature sensor is not secured to the core metal by the elastic member."

Further, in Nachtigal, the rotation sensing device 30 is inserted into an aperture 22 of the second support member 20, resulting in a very small contact area between the rotation sensing device 30 and the second support member 20. Applicant respectfully submits that a hypothetical structure according to a combination of Nachtigal and French, in which sensor module B of French is inserted into an aperture 22 of the second support member 20 of Nachtigal, because of the very small contact area, would not accomplish an accurate measure of the temperature inside the bearing assembly. In contrast, in the bearing assembly of claim 2, in which temperature sensor is secured to the plate surface of the plate-like core metal, thereby providing a significantly greater contact area than the hypothetical structure according to a combination of Nachtigal and French. Thus, the bearing assembly of claim 2 provides for a quicker and more precise temperature sensing.

Applicant respectfully submits that claims 2 and 6 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicant respectfully submits that claims 4-5, which depend from independent claim 2, and claim 7, which depends from independent claim 6, should be allowable for at least the same reasons as claims 2 and 6, as well as for the additional features recited therein.

Further, Applicant respectfully submits that withdrawn claims 8 and 9, which depend respectively from independent claims 2 and 6, should be allowable for at least the same reasons as claims 2 and 6, as well as for the additional features recited therein.

CONCLUSION:

In accordance with the foregoing, Applicant respectfully submits that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

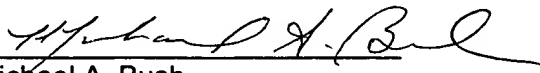
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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